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NORTHERN DIST. OF TX
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6
7

UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF TEXAS

11 HTC CORPORATION AND HTC
12 AMERICA, INC.,

13 Plaintiff,

14 v.

15 TECHNOLOGY PROPERTIES
16 LIMITED, PATRIOT SCIENTIFIC
17 CORPORATION, and ALLIACENSE
18 LIMITED,

Defendants.

3 - 10MC 154 - 6

Case No. 5:08-CV-00882 JF

**OBJECTIONS TO PLAINTIFFS'
PRODUCTION DEMAND OF THE
SUBPOENA TO WITNESS RUSSELL H.
FISH, III TO TESTIFY AT A DEPOSITION
IN A CIVIL ACTION**

The Honorable Jeremy Fogel
Northern District of California
San Jose Division

20 Pursuant to Rules 34 and 45 of the Federal Rules of Civil Procedure, non-party RUSSELL
21 H. FISH, III of 5400 Preston Oaks Road, Dallas, TX 75254-2400 (hereinafter, "Fish") hereby
22 responds to the Production Demand of the Subpoena to Testify at a Deposition in a Civil Action
23 ("Production Demand") served on Fish by Plaintiffs, HTC CORPORATION AND HTC
24 AMERICA, INC., (collectively "HTC"), as follows:

GENERAL OBJECTIONS

The following General Objections apply to the Production Demand and shall have the same force and effect as if set forth in response to each individually numbered request.

1. The inadvertent production of any privileged document is not to be deemed a waiver of privilege, and Fish reserves the right to object to the introduction or any other use of any privileged or protected documents that may be inadvertently produced.

2. No response to any portion of any request shall be deemed a waiver of any objections not set forth herein that could be made to any such portion of the request regarding the relevancy of the document or its admissibility.

3. Fish objects to the instructions and definitions set forth in the Subpoenas to the extent they exceed what is permitted by the Federal Rules of Civil Procedure (“FRCP”) and the Federal Rules of Evidence (“FRE”). Fish further objects that the instructions are compound, vague and/or ambiguous.

4. Fish objects to the definition of "DOCUMENT" to the extent it exceeds what is contemplated by the FRCP and the FRE and is compound, vague, ambiguous and unintelligible.

5. Fish objects to the definition of "COMMUNICATION" on the grounds that the definition is vague and ambiguous, overbroad, compound, unduly burdensome and oppressive, and calls for documents that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Fish further objects to this definition to the extent that it imposes any obligation beyond what is required by the FRCP and the FRE.

6. Fish objects to the definition of the terms "AND," and "OR," to the extent that they imposes any obligation beyond what is required by the FRCP and the FRE.

7. The terms “DEFENDANTS’ PATENTS-IN-SUIT” and “PATENTS-IN-SUIT” referred to herein were defined in Plaintiff’s Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action on page 3, paragraph N. as excluding reference to the ‘584 patent’ defined on page 2, paragraph I. This seems to be an error. Therefore, Fish’s use of the terms “DEFENDANTS’ PATENTS-IN-SUIT” and “PATENTS-IN-SUIT” herein SHALL INCLUDE the ‘584 patent’ within the meaning of these terms.

1 **RESPONSES AND OBJECTIONS TO REQUESTS FOR PRODUCTION**

2 **REQUEST FOR PRODUCTION NO. 1:**

3 Please produce all DOCUMENTS related to YOUR or any other PERSON's conception,
 4 design, promotion, development, reduction to practice, or diligence in the reduction to practice of
 5 any alleged invention described in any specification or any claim of the PATENTS-IN-SUIT.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

7 Fish objects that this request seeks information protected by the attorney-client privilege,
 8 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
 9 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
 10 discovery of admissible evidence. Fish further objects that the discovery sought is unreasonably
 11 cumulative or duplicative, or can be obtained from some other source that is more convenient,
 12 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
 13 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
 14 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
 15 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
 16 AL., Defendants.

17 **REQUEST FOR PRODUCTION NO. 2:**

18 Please produce all DOCUMENTS relating to any testing, development, experimental, or
 19 research activity conducted in connection with any alleged invention described in the PATENTS-
 20 IN-SUIT, including, but not limited to, the design, construction and operation of the first device
 21 or prototype embodying or intended to embody any of the alleged inventions, by either YOU, or
 22 any other PERSON.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

24 Fish objects that this request seeks information protected by the attorney-client privilege,
 25 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
 26 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
 27 discovery of admissible evidence. Fish also objects that this request seeks information beyond
 28 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably

1 cumulative or duplicative, or can be obtained from some other source that is more convenient,
2 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
3 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
4 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
5 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
6 AL., Defendants.

7 **REQUEST FOR PRODUCTION NO. 3:**

8 Please produce DOCUMENTS sufficient to show all names, model numbers and any
9 other commercial and/or developmental designation for any products or devices beta tested,
10 offered for sale, or sold, that embody the inventions disclosed in the PATENTS-IN-SUIT, for any
11 time prior to the filing of the application in the United States, and for two years after the filing
12 date.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

14 Fish objects that this request seeks information protected by the attorney-client privilege,
15 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
16 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
17 discovery of admissible evidence. Fish also objects that this request seeks information beyond
18 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
19 cumulative or duplicative, or can be obtained from some other source that is more convenient,
20 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
21 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
22 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
23 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
24 AL., Defendants.

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1 **REQUEST FOR PRODUCTION NO. 4:**

2 Please produce all DOCUMENTS consisting of or referring to the first disclosure, display
3 or demonstration of any alleged invention described in the PATENTS-IN-SUIT, to any person
4 not employed by DEFENDANTS.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

6 Fish objects that this request seeks information protected by the attorney-client privilege,
7 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
8 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
9 discovery of admissible evidence. Fish also objects that this request seeks information beyond
10 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
11 cumulative or duplicative, or can be obtained from some other source that is more convenient,
12 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
13 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
14 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
15 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
16 AL., Defendants.

17 **REQUEST FOR PRODUCTION NO. 5:**

18 Please produce all DOCUMENTS constituting, referring or relating to the first public use,
19 first offer for sale, first lease or offer to lease, or other first commercialization of any product or
20 device embodying any of the alleged inventions described in the PATENTS-IN-SUIT.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

22 Fish objects that this request seeks information protected by the attorney-client privilege,
23 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
24 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
25 discovery of admissible evidence. Fish also objects that this request seeks information beyond
26 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
27 cumulative or duplicative, or can be obtained from some other source that is more convenient,
28 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE

1 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
2 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
3 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
4 AL., Defendants.

5 **REQUEST FOR PRODUCTION NO. 6:**

6 Please produce all DOCUMENTS relating to licensing, selling, or offering to license or
7 sell the PATENTS-IN-SUIT to any third party, including but not limited to communication with
8 the third party, any valuation analysis performed by DEFENDANTS, or on DEFENDANTS'
9 behalf, and any effort to sell or license groups of DEFENDANTS' patents, including the
10 PATENTS-IN-SUIT.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

12 Fish objects that this request seeks information protected by the attorney-client privilege,
13 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
14 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
15 discovery of admissible evidence. Fish also objects that this request seeks information beyond
16 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
17 cumulative or duplicative, or can be obtained from some other source that is more convenient,
18 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
19 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
20 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
21 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
22 AL., Defendants.

23 **REQUEST FOR PRODUCTION NO. 7:**

24 Please produce all DOCUMENTS related to any payment, consideration, compensation,
25 or benefit YOU received in exchange for any work YOU performed for any third party related to
26 the PATENTS-IN-SUIT, for example, if YOU were paid to develop all or part of the technology
27 disclosed in the PATENTS-IN-SUIT by another company.

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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

2 Fish objects that this request seeks information protected by the attorney-client privilege,
3 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
4 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
5 discovery of admissible evidence. Fish also objects that this request seeks information beyond
6 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
7 cumulative or duplicative, or can be obtained from some other source that is more convenient,
8 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
9 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
10 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
11 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
12 AL., Defendants.

13 **REQUEST FOR PRODUCTION NO. 8:**

14 Please produce all communications between YOU and DEFENDANTS concerning
15 PATENTS-IN-SUIT.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

17 Fish objects that this request seeks information protected by the attorney-client privilege,
18 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
19 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
20 discovery of admissible evidence. Fish also objects that this request seeks information beyond
21 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
22 cumulative or duplicative, or can be obtained from some other source that is more convenient,
23 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
24 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
25 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
26 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
27 AL., Defendants.

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1 **REQUEST FOR PRODUCTION NO. 9:**

2 Please produce all communications between YOU and Dan Leckone and/or Mac Leckrone
3 concerning PATENTS-IN-SUIT.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

5 Fish objects that this request seeks information protected by the attorney-client privilege,
6 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
7 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
8 discovery of admissible evidence. Fish also objects that this request seeks information beyond
9 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
10 cumulative or duplicative, or can be obtained from some other source that is more convenient,
11 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
12 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
13 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
14 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
15 AL., Defendants.

16 **REQUEST FOR PRODUCTION NO. 10:**

17 Please produce all communications between YOU and Charles Moore concerning
18 PATENTS-IN-SUIT.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

20 Fish objects that this request seeks information protected by the attorney-client privilege,
21 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
22 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
23 discovery of admissible evidence. Fish also objects that this request seeks information beyond
24 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
25 cumulative or duplicative, or can be obtained from some other source that is more convenient,
26 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
27 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
28 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT

1 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
2 AL., Defendants.

3 **REQUEST FOR PRODUCTION NO. 11:**

4 Please produce all communications between YOU and PATRIOT SCIENTIFIC
5 concerning the PATENTS-IN-SUIT.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

7 Fish objects that this request seeks information protected by the attorney-client privilege,
8 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
9 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
10 discovery of admissible evidence. Fish also objects that this request seeks information beyond
11 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
12 cumulative or duplicative, or can be obtained from some other source that is more convenient,
13 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
14 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
15 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
16 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
17 AL., Defendants.

18 **REQUEST FOR PRODUCTION NO. 12:**

19 Please produce all DOCUMENTS consisting of, relating to, or referring to any agreement
20 YOU have with either Charles Moore or any of the DEFENDANTS not to interfere with a
21 licensing program for the PATENTS-IN-SUIT.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

23 Fish objects that this request seeks information protected by the attorney-client privilege,
24 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
25 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
26 discovery of admissible evidence. Fish also objects that this request seeks information beyond
27 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
28 cumulative or duplicative, or can be obtained from some other source that is more convenient,

1 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
2 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
3 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
4 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
5 AL., Defendants.

6 **REQUEST FOR PRODUCTION NO. 13:**

7 Please produce all DOCUMENTS consisting of, relating to, or referring to any disputes,
8 disagreements, legal actions, mediations, arbitrations, lawsuits and/or any other communications
9 whatsoever regarding the ownership, licensing, royalties, and/or commercialization of
10 PATENTS-IN-SUIT.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

12 Fish objects that this request seeks information protected by the attorney-client privilege,
13 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
14 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
15 discovery of admissible evidence. Fish also objects that this request seeks information beyond
16 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
17 cumulative or duplicative, or can be obtained from some other source that is more convenient,
18 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
19 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
20 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
21 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
22 AL., Defendants.

23 **REQUEST FOR PRODUCTION NO. 14:**

24 Please produce all deposition transcripts, declarations, and any other written and/or
25 transcribed testimony in which you discuss, mention, and/or refer to PATENTS-IN-SUIT.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

27 Fish objects that this request seeks information protected by the attorney-client privilege,
28 the attorney work product doctrine, and/or the common interest privilege. Fish further objects

1 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
2 discovery of admissible evidence. Fish also objects that this request seeks information beyond
3 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
4 cumulative or duplicative, or can be obtained from some other source that is more convenient,
5 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
6 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
7 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
8 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
9 AL., Defendants.

10 **REQUEST FOR PRODUCTION NO. 15:**

11 Please produce all DOCUMENTS relating to the first offer for sale of the "Sh-boom"
12 microprocessor.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

14 Fish objects that this request seeks information protected by the attorney-client privilege,
15 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
16 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
17 discovery of admissible evidence. Fish also objects that this request seeks information beyond
18 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
19 cumulative or duplicative, or can be obtained from some other source that is more convenient,
20 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
21 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
22 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
23 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
24 AL., Defendants.

25 **REQUEST FOR PRODUCTION NO. 16:**

26 Please produce all written works, whether published or unpublished, which discuss or
27 relate to the first "Sh-boom" microprocessor.

28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

2 Fish objects that this request seeks information protected by the attorney-client privilege,
 3 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
 4 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
 5 discovery of admissible evidence. Fish also objects that this request seeks information beyond
 6 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
 7 cumulative or duplicative, or can be obtained from some other source that is more convenient,
 8 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
 9 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
 10 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
 11 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
 12 AL., Defendants.

13 **REQUEST FOR PRODUCTION NO. 17:**

14 Please produce all DOCUMENTS relating to your employment with any of the
 15 DEFENDANTS.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

17 Fish objects that this request seeks information protected by the attorney-client privilege,
 18 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
 19 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
 20 discovery of admissible evidence. Fish also objects that this request seeks information beyond
 21 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
 22 cumulative or duplicative, or can be obtained from some other source that is more convenient,
 23 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
 24 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
 25 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
 26 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
 27 AL., Defendants.

28

1 **REQUEST FOR PRODUCTION NO. 18:**

2 Please produce all DOCUMENTS relating to your employment with PATRIOT
3 SCIENTIFIC and all DOCUMENTS that relate to the sale, offer for sale, and/or
4 commercialization of any kind of any microprocessor designed, manufactured or sold by
5 PATRIOT SCIENTIFIC.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

7 Fish objects that this request seeks information protected by the attorney-client privilege,
8 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
9 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
10 discovery of admissible evidence. Fish also objects that this request seeks information beyond
11 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
12 cumulative or duplicative, or can be obtained from some other source that is more convenient,
13 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
14 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
15 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
16 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
17 AL., Defendants.

18 **REQUEST FOR PRODUCTION NO. 19:**

19 Please produce all DOCUMENTS consisting of, relating to, or referring to any agreement
20 YOU have CONCERNING the commercialization, transfer, assignment, licensing or ownership
21 of the PATENTS-IN-SUIT.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

23 Fish objects that this request seeks information protected by the attorney-client privilege,
24 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
25 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
26 discovery of admissible evidence. Fish also objects that this request seeks information beyond
27 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
28 cumulative or duplicative, or can be obtained from some other source that is more convenient,

1 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
2 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
3 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
4 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
5 AL., Defendants.

6 **REQUEST FOR PRODUCTION NO. 20:**

7 Please produce all DOCUMENTS referring and/or relating to any and all revenue,
8 income, profit, and/or royalties from the licensing and/or commercialization of PATENTS-IN-
9 SUIT.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

11 Fish objects that this request seeks information protected by the attorney-client privilege,
12 the attorney work product doctrine, and/or the common interest privilege. Fish further objects
13 that this request is overbroad, unduly burdensome, and not reasonably calculated to lead to the
14 discovery of admissible evidence. Fish also objects that this request seeks information beyond
15 the limits imposed by the FRCP. Fish further objects that the discovery sought is unreasonably
16 cumulative or duplicative, or can be obtained from some other source that is more convenient,
17 less burdensome, or less expensive, to wit: CIVIL ACTION NO. 2:05-CV-494 (TJW) IN THE
18 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
19 MARSHALL DIVISION, styled TECHNOLOGY PROPERTIES LTD, and PATRIOT
20 SCIENTIFIC CORP., Plaintiffs, vs. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD., ET
21 AL., Defendants.

22
23 Dated: December 16, 2010

MELITO, CARL F. ATTORNEY AT LAW

24
25 By: 
26 Carl F. Melito

27
28 Attorney for RUSSELL H. FISH, III

PROOF OF SERVICE

I, Carl F. Melito, declare:

I am a citizen of the United States and employed in Dallas County, Texas. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 12225 Greenville Ave. Suite 700, Dallas, TX 75243. On December 16, 2010, I served a copy of the following document(s):

**OBJECTIONS TO PLAINTIFFS' PRODUCTION DEMAND OF THE SUBPOENA TO
WITNESS RUSSELL H. FISH, III TO TESTIFY AT A DEPOSITION IN A CIVIL
ACTION**

- by transmitting via email PDF the document(s) listed above to the e-mail addresses set forth below on this date before 5:00 p.m.
 - by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
 - by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.
 - by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to the address(es) set forth below.
 - by having the document(s) listed above personally delivered to the person(s) at the address(es) set forth below.

Kyle D. Chen, – kyle.chen@cooley.com

Cooley LLP

Attorney for Plaintiffs

HTC CORPORATION AND HTC AMERICA,
INC.,

CERTIFICATE OF SERVICE
CASE NO. 5:08-CV-00882 JE

1 John L. Cooper - jcooper@fbm.com
2 Stephanie P. Skaff - sskaff@fbm.com
3 Eugene Y. Mar - emar@fbm.com

4 Farella Braun + Martel LLP

5 *Attorneys for Defendants*
TECHNOLOGY PROPERTIES LIMITED
and ALLIACENSE LIMITED

Charles T. Hoge, Esq. - choge@knlh.com

Kirby Noonan Lance & Hoge

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Attorneys for Defendant
PATRIOT SCIENTIFIC CORPORATION

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 16, 2010, at Dallas, Texas.



Carl F. Melito